

REMARKS

Claims 1-43 are pending in this application. Claims 1, 12, 25, 36, and 40 are independent claims. Favorable reconsideration and withdrawal of the current grounds of rejection are requested. In addition, allowance of the pending claims is requested.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,496,809 to Nakfoor (hereinafter “Nakfoor”) in view of WO 00/46728 to Creasy et al. (hereinafter “Creasy”). Applicants respectfully traverse this rejection and requests reconsideration and withdrawal of the obviousness rejection.

Independent Claims 1 and 12

Independent claim 1 was previously amended to recite “wherein said shipping logistics include automated variation of delivery options as a function of a time period associated with said goods and a geography-based consideration.” Independent claim 12 was previously amended to recite “wherein shipping options are automatically provided as a function of shipping logistics associated with certain goods.”

As correctly noted in the Office Action, Nakfoor fails to explicitly teach the above identified features of independent claims 1 and 12. When addressing the admitted deficiencies of Nakfoor, the Office Action relies on column 32, lines 16-22, column 38, lines 5-22, column 83, lines 3-61, Figure 15 and Figure 26 of Creasy to remedy the deficiencies of Nakfoor.

Applicant submits, however, that the teachings of Creasy fail to remedy the deficiencies of Nakfoor with respect to independent claims 1 and 12. As mentioned, the claimed subject matter recites shipping logistics that “include automated variation of delivery options as a function of a time period associated with said goods and a geography-based consideration.” In contrast, Creasy discloses a user interface that allows a user to select an appropriate shipping service. More specifically, Creasy discloses a dropdown list 704, Saturday Delivery checkbox 706, and Request a Package

Pickup checkbox 708. Applicant submits that the dropdown list 704, Saturday Delivery checkbox 706 and Request a Package Pickup checkbox 708 are always presented to the user allowing the user to select the appropriate service type and select Saturday delivery and package pickup, if desired. Nowhere in Creasy is there a disclosure of any automated variation of the dropdown list 704, Saturday Delivery checkbox 706 or Request a Package Pickup checkbox 708. Furthermore, there is no explicit or implicit teaching, suggestion or motivation in Creasy of any automated variation of the service types listed within dropdown list 704.

Applicants also submit that Creasy fails to teach or suggest, either expressly or impliedly, the desirability of making the alleged modification to arrive at such feature. Applicants respectfully remind the Examiner that a rejection based on obviousness is improper without a motivation to modify the cited reference. *See e.g.*, MPEP § 2142. To support a conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Id.*

Applicant submits that it would not have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to modify the teachings of Nakfoor with the cited portions of Creasy. For example, Nakfoor is directed exclusively towards an electronic ticketing system. In fact, the background of Nakfoor provides several disadvantages for the use of paper tickets. Creasy is directed towards a package shipping system. Applicant submits that the electronic ticketing system disclosed by Nakfoor is not compatible with the package shipping system disclosed by Creasy. Namely, electronic tickets are not suitable to be physically shipped because they do not exist in a physical form that is capable of shipping. For this reason, one of ordinary skill in the art at the time of Applicant’s invention would not have had the motivation to combine the electronic ticketing system of Nakfoor with the package shipping system of Creasy. Without proper motivation to modify Nakfoor to arrive at invention of independent claims 1 and 12, the rejection based on obviousness is improper.

For at least the reasons set forth above, Applicants request reconsideration and withdrawal of the obviousness rejection of independent claim 1.

Dependent Claims 2-11 and 13-24

Applicants submit that dependent claims 2-11 and 13-24 are allowable by virtue of their dependency from independent claims 1 and 12 for at least the reasons discussed above. For at least the reasons set forth above, Applicants request reconsideration and withdrawal of the obviousness rejection of dependent claims 2-11 and 13-24.

Independent Claim 25

Independent claim 25 was previously amended to recite “wherein said logistics are provided to said seller and said buyer via an automated system wherein identities of said seller and said buyer are maintained confidential from one another.”

Regarding claim 25, the Examiner fails to address the above cited limitation within the rejection of claim 25. Further, Applicant submits that there is no disclosure of logistics that are “provided to said seller and said buyer via an automated system wherein identities of said seller and said buyer are maintained confidential from one another” within either Nakfoor or Creasy.

In view of the above, Applicants submits that grounds of rejection in the Office Action do not properly address the features of independent claim 25. For at least these reasons, Applicants request reconsideration and withdrawal of the obviousness rejection of independent claim 25.

Dependent Claims 26-35

Applicants submit that dependent claims 26-35 are allowable by virtue of their dependency from independent claim 25 for at least the reasons discussed above.

For at least the reasons set forth above, Applicants request reconsideration and withdrawal of the obviousness rejection of dependent claims 26-35.

Independent Claim 36

Independent claim 36 recites “arranging for a courier to receive said at least one event ticket from said seller and deliver said at least one event ticket to said buyer, according to said selected shipping option.”

Applicants submit that grounds of rejection in the Office Action do not properly address at least this feature of independent claim 36. For example, the Office Action fails to provide a citation in support of its rejection of this limitation. Further, Applicant respectfully submits that there is no teaching or suggestion within Nakfoor of “arranging for a courier to receive said at least one event ticket from said seller and deliver said at least one event ticket to said buyer, according to said selected shipping option.”

Accordingly, Applicants request reconsideration and withdrawal of the obviousness rejection of independent claim 36 for at least this reason.

Independent Claim 40

Independent claim 40 recites “providing an interactive page on said Web site which automatically displays all events remaining in said season ticket package to said seller.”

Applicants submit that grounds of rejection in the Office Action do not properly address at least this feature of independent claim 40. In support of its rejection of the above cited limitation, the Office Action relies upon Nakfoor at column 2, lines 29-67, columns 3-4, lines 1-67 and column 5 lines 22-39 and 49-67. Applicant respectfully disagrees with grounds of rejection set forth in the Office Action. Namely, Nakfoor fails to teach or suggest interactive web pages for season tickets anywhere within its disclosure. Accordingly, Applicants request reconsideration and withdrawal of the obviousness rejection of independent claim 40 for at least this reason.

Dependent Claims 37-39 and 41-43

Applicants submit that dependent claims 37-39 and 41-43 are allowable by virtue of their dependency from independent claim 36 for at least the reasons discussed above.

For at least the reasons set forth above, Applicants request reconsideration and withdrawal of the obviousness rejection of dependent claims 37-39 and 41-43.

Serial No. 09/967,171
Response Dated August 5, 2008
Reply to Non-Final Office Action of May 5, 2008

Conclusion

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejections of claims 1-43 and a timely Notice of Allowance to this effect.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,
KACVINSKY LLC



Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: August 5, 2008

4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529